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**Law Clerk's Copy**

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JASON ERIC BENSON,  
Plaintiff

v.

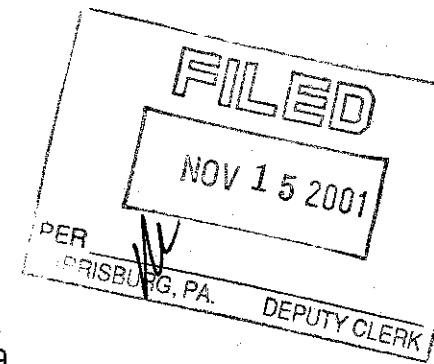
THOMAS DURAN; BRUCE CLUCK;  
DEBRA HANKEY; JOHN JENNINGS;  
WILLIAM ORTH; RAE HIENTZELMAN;  
RONALD LONG and WILLIAM ELLIEN;  
BRITON SHELTON; ADAMS COUNTY  
PRISON

Defendants

CIVIL ACTION

NO. 1:00-CV-01229

JUDGE CALDWELL



**AFFIDAVIT OF BRUCE A. CLUCK**

1. My name is Bruce A. Cluck and I am a former Deputy Warden at the Adams County Prison.

2. On August 27, 1999, I was informed by Lieutenant Jennings that inmate Jason Benson was refusing to submit to a strip search in the intake area of the prison after returning from court. I went to the intake area to see what the problem was and tried to speak to Benson about his refusal; but he only began yelling profanities and making comments like "fuck this!" and "this is fucking bullshit!" and "I'm not stripping!"

3. At this point, it was clear to me that Mr. Benson was not going to voluntarily comply with strip search procedure. The Warden was notified and he and several other staff members came to the intake area.

4. After repeated refusals on Benson's part, Lieutenant Jennings sprayed Benson with OC pepper spray. At that point, Benson again began screaming profanities and then started banging his head on a computer monitor. At that point, for Benson's own safety, he was taken to the floor by Lieutenant Jennings, Sergeant Heintzelman and Corrections Officer Shelton.

5. As soon as Mr. Benson calmed down, he was carried to a shower to rinse off the foam. After a few minutes, he again began swearing and threatening the staff members. He then began to spit at and on members of the prison staff, including Warden Duran, CO Shelton and Lieutenant Jennings. Because of this, Benson was again taken to the floor and a spit guard was put in place.

6. After Benson got cleaned up and complied with the strip search, he was taken to Gettysburg Hospital for evaluation and returned to the prison the same day.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

10/15, 2001.

  
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Bruce A. Cluck